

Remarks

Claims 2 to 4 have been amended to replace “assessing” by “receiving”.

Claim 23 has been amended to delete the word “call” from the term “the call source”. The same change has been made to each of claims 11 and 22 for reasons of consistency.

Independent claims 1 and 11 and dependent claim 8 have been amended to replace the term “set up” by “establish”.

The Examiner has rejected claims 1 to 3, 19 and 21 to 23 under 35 U.S.C. 103(a) as being patentable over Summers et al (US6976734) in view of Linden et al (US6549773). The Examiner acknowledges that Summers does not disclose that a request be a uniform resource locator ‘URI’. However, the Examiner contends that Linden discloses the well known concept of using a URI for identifying information for a request and thus that it would have been obvious to combine the teachings of Summers and Linden to arrive at the present invention.

The Examiner will be aware that in *ex parte* examination of patent applications, the Patent and Trademark Office bears the burden of establishing a *prima facie* case of obviousness. MPEP § 2142; *In re Fritch*, 972 F.2d 1260, 1262, 23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992). The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention is always upon the Patent and Trademark Office. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d 1468, 1472, 223 U.S.P.Q. 785, 788 (Fed. Cir. 1984). Only when a *prima facie* case of obviousness is established does the burden shift to the applicant to produce evidence of nonobviousness. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re*

Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). If the Patent and Trademark Office does not produce a *prima facie* case of unpatentability, then without more the applicant is entitled to grant of a patent. *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Grabiak*, 769 F.2d 729, 733, 226 U.S.P.Q. 870, 873 (Fed. Cir. 1985). A *prima facie* case of obviousness is established when the teachings of the prior art itself suggest the claimed subject matter to a person of ordinary skill in the art. *In re Bell*, 991 F.2d 781, 783, 26 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1993). To establish a *prima facie* case of obviousness, three basic criteria must be met. **First**, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. **Second**, there must be a reasonable expectation of success. **Finally**, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed invention and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. MPEP § 2142.

Applicants agree with the Examiner that the term “automatically” means “without manual intervention”.

The present invention as claimed requires that *the web-based telephony application accesses the URI and, at the specified future time specified in the URI, instructs a telephony apparatus to **automatically** establish a telephone call over the communications network between the source and the destination specified in the URI*. In other words, at the specified future time no manual intervention is required to establish the telephone call. This is established automatically by the telephony apparatus under instruction from the web-based telephony application.

It is clear from the description in Summers with respect to figure 7 of the process occurring once the conference start time has arrived that manual intervention is

required to establish the conference call. There are two methods for a caller to join the conference call. One is a dial-in method requiring the caller to enter the conference telephone number or IP address and to then enter other information to authenticate the caller, column 11, line 37 to column 12, line 9. The other method of joining comprises a 'dial-out' method whereby a conference moderator enters the telephone number or IP address of a user to be called, column 12, lines 26 to 43. It is beyond any doubt that in making a call (whether telephony or IP connection) to 'dial-in' or 'dial out' by way of joining the conference call requires manual entry of information. This is true even for the first caller, perhaps the moderator, wishing to join the conference call. Consequently, Summers does not disclose the step of instructing the telephony apparatus to automatically establish a telephone call despite the Examiner's assertion to the contrary.

In making the foregoing assertion, the Examiner refers to Summers, column 11, lines 1 to 14 and column 4, lines 44 to 48. Column 11, lines 1 to 14 of Summers concerns the allocation of resources in response to a request to establish a conference call. However, this allocation is in the context of providing confirmation that the requested resources will be available at the future time the conference is scheduled for, but has nothing to do with the establishment of the conference call as such at said future time. The establishment of the conference call at the scheduled (future) time still requires manual intervention as discussed above.

Summers, column 4, lines 44 to 48 concerns the display, automatically or on request, of data stored in database 22 to callers who have joined the conference call. Thus, the automatic display of information has nothing to do with the establishment of the conference call at said future time. The establishment of the conference call at the scheduled (future) time still requires manual intervention as discussed above.

Linden (Abstract) discloses a request containing address information as a URI. Thus, the URI does not comprise the request, but the request contains the URI, the URI identifying a destination address of the request.

One of ordinary skill in the art would not be motivated to employ the URI as taught by Linden in the system of Summers by way of enhancing the representation of information in the request, because the URI of Linden does not itself comprise the request and is included in the request to identify a destination of the request. As such, the URI as taught by Linden does not enhance representation of information in the request but is an address mechanism.

Even if one skilled in the art did contemplate combining the disclosures of Summers and Linden, the resultant request for scheduling a conference would comprise the request page taught by Summers but including a URI identifying the destination address of the request. The requested time for the conference call would still be contained in the relevant field of the request page. Thus, notwithstanding the foregoing, the combination of these references does not disclose or suggest the use of a URI containing the specified future time for instructing a telephony apparatus to automatically establish a call.

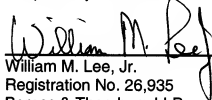
The combination of Summers and Linden does not teach or suggest all of the claims limitations of the present invention, would not motivate a skilled person to contemplate making the combination nor, if combined, would result in the arrangement of the present invention.

The foregoing submission is equally applicable to all independent claims.

In view of the foregoing, it is respectfully submitted that this application is now in condition for allowance, and such action is solicited.

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Respectfully submitted,

A handwritten signature in dark ink, appearing to read "William M. Lee, Jr.", is written over a horizontal line.

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